

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room
Thursday, April 18, 2013**

Attending:

Council Member Ted Ohmart
Council Member Kevin Trevillyan
City Manager Greg Sparks
Deputy City Manager/City Clerk Jody Smith
Fire Marshal Mike Whitsell
Development Planning and Inspection Manager
Christopher Shires

City Engineer Duane Wittstock
Principal Engineer Brian Hemesath
City Attorney Dick Scieszinski
Assistant to the City Manager Aaron Chittenden
Christine Gordon, Housing Planner
Planner Linda Schemmel
Planner Lynne Twedt

Guest: Steve Zbylicki – WDM Community Schools - Item#1

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 a.m.

1. Fairmeadows School Access Drive

Development Planning and Inspection Manager Shires stated that the school district has the opportunity to purchase a house along Prospect Avenue that could be used for a future driveway connection to help improve access and circulation for Fairmeadows Elementary School. Staff feels that this would be a good idea as this would enhance circulation, as well as provide better emergency vehicle access.

Mr. Zbylicki, Special Projects Manager, WDM Community Schools, provided that the intention was to purchase the property and immediately develop a site plan to best utilize the property to address the parking and vehicle circulation issues.

Council Member Ohmart expressed that citizens have complained about the queuing and the blockage of driveways. Thus, he was in favor of any solution that would help eliminate or address this parking and/or stacking problem in this area. It was noted that since the driveway would line up with a City street, the glaring headlight issue should not be a problem.

Fire Marshal Whitsell added his support as currently it is very challenging to respond to medical and/or fire calls with the current parking lot configuration. Often emergency vehicles are forced to park on 23rd Street.

Directions: The Council Members had no issues with the concept for the WDM schools plan to purchase the house on Prospect in order to add an access drive to Prospect Avenue that will aid in addressing parking and circulation issues at the Fairmeadows School site.

2. 2013-2014 CDBG Annual Action Plan – Proposed Allocation of Funds

Housing Planner Gordon distributed an outline of the 2013-2013 Community Development Block Grant Program and gave a brief description of the Action Plan. The allocation this year is somewhat less than last year's allotment as the Federal Government has mandated a 5% across-the-board decrease in funding for this year's allocation which Ms. Gordon has taken into account. She continued to discuss the percentage of the allocations for administration, the Transitional Housing Program, Homeless Prevention, Sustainable Solutions, the Owner-Occupied Rehabilitation Programs, and the extremely successful Transit Pass Program. Currently, the Plan is under the 30-day public comment period which allows for citizen input. The Plan has been made available at the Library, Human Services, and has been posted on the City's website. On May 13, 2013, the Plan will go before City Council as a Public Hearing for approval. If approved by City Council, the Plan will then be forwarded to HUD for their approval.

Council Member Trevillyan inquired if the dollar amounts were the same as in the past and that the service programs seemed out of balance with the much higher Sustainable Solutions funding. Ms. Gordon responded that the three public service programs (Transit Pass, Homeless Prevention, and Traditional Housing) cannot exceed 15% of the allocation as a total.

Council Member Ohmart commented that we may have wanted to obtain public input before the plan was formulated. Ms. Gordon stated that this happens with the five-year plan which gives opportunity to address over-all goals for the program. Also, this current plan can be amended during the 30-day public input period.

Direction: The Council Members expressed support for the 2013-14 Annual Block Grant Program as presented.

3. Upcoming Projects

- Tiburon Preliminary Plat – Mr. Shires identified the proposed plat located on the south side of Mills Civic Parkway at what would be approximately 100th Street. The applicant has requested a Preliminary Plat to subdivide the property into 13 lots for single family development. He provided that the development was formally known as the Woods at Sugar Creek, but the developer was now naming the plat Tiburon.

Mr. Shires continued to discuss the following outstanding issues:

1. **Mills Civic Parkway Right-of-way** - The future alignment of Mills Civic Parkway will fall south of the current centerline of the road to avoid the existing homes along the north side of the street. Therefore, this plat will need to dedicate 132 feet of right-of-way (33' is existing road ROW) across the north end of the property (total right-of-way width required is 165 feet). This is consistent with what was required of the original developer of the Michael's Landing Subdivision. The applicant believes this is an excessive burden on the property and proposed that the applicant dedicate the normal ½ right-of-way (82.5 feet) and that the City pay for the balance of the needed right-of-way. The Planning and Development Subcommittee discussed this issue and are generally open to the proposal, but the decision would need to be made by the full City Council.
2. **Agreement and Waiver for future 105th Street Paving** - This property is in close proximity to the future 105th Street and may fall within an assessment district should the costs for the street installation be pursued in that manner. Staff is recommending that the applicant provide an agreement and waiver for the potential future assessment of 105th Street. The applicant believes they have no responsibility for 105th Street and are requesting that they be relieved of this obligation. The Development and Planning Subcommittee recommends that the applicant provide the agreement and waiver for the future 105th Street, and the Council will make a determination in the future on the method of financing the improvements. The applicant has agreed to an agreement and waiver for the potential future assessment of the reconstruction of Mills Civic Parkway and has proposed that any assessment be divided equally among the 13 lots.
3. **Sanitary Sewer Fee District** - The applicant is requesting that the sanitary sewer fee be waived for the outlot being created for parkland dedication (Outlot Z), and the two outlots being created for ownership transfer back to the individual that the applicant is buying the larger property from (Outlot X and Y).

The applicant is requesting that the two outlots being created at the south end of the plat not be required to pay the sanitary fee district fee charges as the City will be able to obtain the fees in conjunction with future platting of the outlots. It was noted that the applicant was requested to plat the entire 30 acre parcel instead of using a plat-of-survey to identify just that portion and that the applicant will retain ownership. Staff feels there is some merit to this request as the City requested them to proceed in this direction to simplify the development process.

The applicant will be dedicating a sizeable portion of land as parkland, and they have requested that they not be charged the sanitary sewer fee for this dedicated area. Mr. Shires commented that the applicant was providing more parkland dedication than was required by the Parkland Dedication Ordinance. Staff is, however, recommending that the fee be applied to the parkland dedication outlot. After much discussion, the Development and Planning Subcommittee was in support of Staff's recommendation.

Council Member Trevillyan asked if there was a timeline that the developer would have to dedicate the two outlots back to the owner, especially if the payment was waived. Mr. Shires stated that this could be a part of the agreement.

4. Stub Street Connection to the East - At the point in time that Mills Civic Parkway is improved to its full profile, the intersection of Tiburon Lane with Mills Civic Parkway will be a right-in right-out only access due to a future raised median on Mills. A stub street to the east property line is being furnished to provide a second means of access for the development at the time the properties to the east are developed. Staff has requested that the applicant work with the adjacent property owner on a location for the stub that both parties can agree to. At this time, agreement has not been reached between the property owners.

Direction: The Council Members recommended that the two outlots proposed to be transferred back to the original property owner not be charged a sanitary connection fee district fee with a time certain limit in place for the transfer back to the original owner, the parkland acreage be included in the calculation of the sanitary sewer fee district charges per the current code, the City compensate the developer for the right-of-way dedication that is beyond the typical one-half of the total right-of-way width, and the developer provide an agreement and waiver for the 105th Street assessment.

As a side issue, Mr. Wittstock interjected that the City was obligated to construct a fee district sanitary sewer line from the WRA sewer in Sugar Creek easterly to the Neff property. Veenstra and Kimm are currently under contract and are in the process of designing the sewer as the City would like sewer installation before the homes were built. All property owner permission has been obtained (for field survey purposes) except for the Neff property. Should Neff's choose not to have the sewer extended onto their property the sewer would end at Theis' east line and Neff would need to extend the sewer easterly at his own expense in the future when they need the service.

- Jordan Creek Town Center PUD Amendment – Planner Twedt indicated that the amendment to the Jordan Creek Town Center Planned Unit Development (PUD) to modify setback requirements along S. 68th Street to accommodate the construction of a hotel will be presented at the next Commission and Council meetings. Planner Twedt noted that per the last Subcommittee discussion, the recommendation was to require the interconnect between the mall and the Richard Hurd property. Planner Twedt provided that an informal traffic count was done for the Lowe's-Costco connection which indicated 130 to 150 cars using the drive during weekday peak PM hours and almost 90% of the cars continued into the mall site rather turning to Lowe's. Ms. Twedt noted that the mall was sent correspondence with the PUD amendment stating that the City would be requiring the drive connection. She stated that the staff report contains a condition of approval requiring the interconnect be implemented with a requirement that the mall provide an ingress/egress easement and a temporary construction easement prior to the next development site plan being approved, assuming this is the hotel project. It was indicated that Mr. Hurd has again indicated that he would pay the construction costs for the interconnection.

Direction: Council Member Ohmart stated that he was in favor of making the driveway connection a condition of approval. Council Member Trevillyan stated he was in support of the interconnect but was concerned with losing a hotel because of this requirement.

- Roger's Farm CPA/Rezoning – Ms. Twedt stated that Knapp Properties is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning from Single Family Residential to Medium Density Residential for two triangular pieces of property under the existing power lines. It was noted that an existing berm offers a good separation to the Pheasant Ridge development. It was further noted that the medium density development will need to comply with the new residential transitional zoning setbacks. It was pointed out where the Parks Department has plans for a 8.5 acre neighborhood park in the area. Mr. Shires stated that he would be meeting with the Board of Directors of Pheasant Ridge Homeowners Association and Knapp Properties this Sunday evening to review the Comp Plan amendment.
- Public Services Facilities Grading – Planner Twedt informed the subcommittee members that the City was requesting approval for a grading plan to allow the stockpiling/placement of fill material on the property located at the southeast corner of S. 88th Street and Grand Avenue for the use in the future development of a western maintenance and services support facility for the City.

5. Other Matters

- **Wells Fargo Campus – Parking Lot Additions** – Mr. Shires stated that last December the Council approved a revised Specific Plan for the Wells Fargo campus. Wells Fargo now wants to add two small additional parking lots to that plan. The request has been reviewed by staff, and Staff would like to administratively include this to the Plan as storm water and design requirements would still be met. Also, Wells Fargo may want to add a temporary asphalt parking lot during construction which may last up to two years for their dislocated workers. Council Member Trevillyan asked if there would be a timeline in place. Mr. Shires stated that there would be a specific timeframe tied to this construction project. Both Council Members expressed support with staff approving administratively the two parking lot additions. Mr. Shires interjected that Wells Fargo will be submitting an application to amend the Specific Plan to add a second cafeteria and training center south of the new office building.
- **Maple Grove West – 98th Street ROW issue** – Mr. Shires provided that a developer was interested in purchasing the West Bank property (the former Regency property) known as Maple Grove West which was previously going to be developed as townhomes. It is now being contemplated to develop as all single family residential and would be constructed in phases. City staff is working with the developer on the street realignments (98th Street and Waco in Waukee), and the developer has given the City and Waukee an annexation request to adjust the City limit corporate lines to follow the new road alignment. Mr. Wittstock stated that he believed there was a 28E agreement in place with Waukee with a trigger in place to facilitate the corporate limit issues and the road construction. An aerial was provided showing the area. Mr. Wittstock stated that staff met with the developer this week and all the land has been purchased for the road project. It was later discovered by the developer that the Giles property had title to the north half of the existing gravel road that runs east and west between two 90 degree turns and were now not willing to sell. The developer has requested that the City intervene to acquire the property to accomplish the road realignments so the project can move forward. The City would only be able to condemn property that was needed for a road for public purpose.

Council Member Ohmart commented that if the City is not acquiring the land to benefit the developer, but for the benefit of the City in order to provide a proper alignment of the road, he felt the acquisition would be justified.

Principal Engineer Hemesath proceeded to explain the proposed paving and construction of 98th Street associated with Maple Grove West. He stated that it would be paved in stages and the amount of street paved would be based on the land area developed. If a plat constituted one third of the land area, then one third of the paving would be constructed between where the pavement ends north of Chalk Street to the railroad crossing. A performance bond exists for paving a portion of 98th Street and the City has indicated to the developer that the bond would be called if the developer requested it. The developer has indicated that he would like to begin as soon as possible with a single family plat on the south side of the property.

- **Enclave at Ashworth Plat 2** - Principal Engineer Hemesath pointed out the proposed single family residential Preliminary Plat, located at the southeast corner of 67th Street and Ashworth Road, which has a street designed with a radius does not meet the City design standard. The applicant is requesting this deviation from the standard because they do not have the necessary space from the wetland in which to run the road and create buildable lots. It would be costly to remove the existing storm sewer intakes and paving on the existing street to correct the situation for the proposed street. He reported that on the southeast portion of the preliminary plat, there is an existing street stub from Enclave at Ashworth Plat 1 that was being extended west and curves north to connect to Ashworth Road. The curve in the proposed street just west of the stub does not meet design standards. Standards require a minimum radius of 300 feet. The radius of the proposed street is 280 feet. It was noted that the difference is minimal but that it does not meet the standard.

Council Member Trevillyan asked what mechanism would be in place to ensure that this would not happen again. Mr. Wittstock stated that master planning would make the difference to prevent this from happening again. The Subcommittee indicated support for deviating from this design standard at this time due to its minor impact and the economic waste that would result from reconstructing part of the existing street to come into compliance. The Subcommittee was very clear that they would not support future exceptions from the design

standards and would expect the developer and their consultants to accurately master plan their development so that these types of mistakes would not be made again.

Directions: Council Members expressed that they would support this exception, but would not be supportive of future exceptions to design standards.

- Bussanmas Property – Mr. Wittstock stated that Jerry Bussanmas brought up a few issues regarding his property located west of the former Michael's Landing and south of the Andy Holt property. The first issue dealt with a storm water fee district issue. Council Members have directed staff to obtain developer input regarding fee districts which is what staff has done. Mr. Bussanmas is very interested in constructing homes on the lots west of Sugar Creek and 14th Street. If the fee district does not move forward, he has asked if the City would be willing to TIF his property and the Holt property so that the culvert could be put in. The other aspect brought up is that Regency paved Stagecoach short by 30 plus feet, and Mr. Bussanmas wants to know who would pay for this. He also expressed concern if Mr. Holt would have the resources to pay for half of the 200 plus feet which would be his portion of Stagecoach. Mr. Bussanmas is anxious to begin construction and wanted the City to identify financing alternatives so he could move forward.

Mr. Wittstock stated that this issue will be discussed at the Public Works Subcommittee meeting on Monday, April 22, 2013. He will provide the Council Members with a copy of the Development Council's letter as soon as it is received and any other information, if available, regarding how other cities in Iowa are dealing with storm water fee district issues.

The meeting adjourned at 9:05 a.m. The next Development and Planning City Council Subcommittee meeting is scheduled for Thursday, May 2, 2013.

Duane C. Wittstock, City Engineer

Kim Taylor, Recording Secretary